

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

PERFECT 10, INC., a California
corporation,

Plaintiff,

vs.

RAPIDSHARE AG., a corporation;
CHRISTIAN SCHMID; BOBBY
CHANG; and DOES 1 through 100,
inclusive,

Defendants.

CASE NO. 09-CV-2596 H (WMC)

**ORDER DENYING WITHOUT
PREJUDICE DEFENDANTS'
MOTION FOR LEAVE TO FILE
DOCUMENTS UNDER SEAL**

On April 25, 2010, Rapidshare AG, Christian Schmid, and Bobby Chang (“Defendants”) filed an ex parte motion for an order allowing the parties to file materials under seal in connection with the pending motions to dismiss for lack of personal jurisdiction and forum non conveniens and motion for preliminary injunction. (Doc. No. 23; see Doc. Nos. 6, 7, 9.) Defendants have not requested that specific documents be filed under seal. Instead, Defendants seek a general order allowing the parties to file any “confidential” document under seal in connection with the pending motions.

Courts recognize a “general right to inspect and copy public records and documents, including judicial records and documents.” Nixon v. Warner Commc’ns, Inc., 435 U.S. 589, 597 & n.7 (1978). Considering the important public right to access judicial records, the Court concludes that it is not appropriate to allow the parties to file documents under seal without Court approval as to each document. Accordingly, the Court denies Defendants’ ex parte

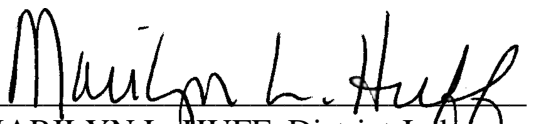
1 motion for leave to file documents under seal without prejudice.

2 If the parties wish to file specific documents under seal, they should use the following
3 procedure:

- 4 (1) file a redacted version of the documents in the CM/ECF system. All redactions
5 shall be clearly identified by replacing the redacted portion of the document with
6 the word "REDACTED";
- 7 (2) file a motion for leave to file documents under seal along with a memorandum
8 explaining why each document should be filed under seal in light of the relevant
9 legal standard;
- 10 (3) submit two copies of the unredacted version of the documents along with a
11 proposed sealing order to the Judge's chambers. The parties may also submit
12 a courtesy copy of the redacted version of the documents filed in the CM/ECF
13 system to the Judge's chambers; and
- 14 (4) submit a proposed sealing order to the Judge's e-file email address.

15 **IT IS SO ORDERED.**

16 DATED: April 26, 2010

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18 MARILYN L. HUFF, District Judge
19 UNITED STATES DISTRICT COURT

20 COPIES TO:

21 All parties of record
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